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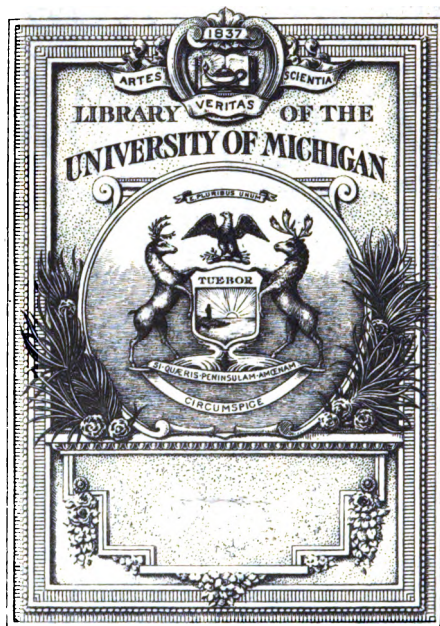
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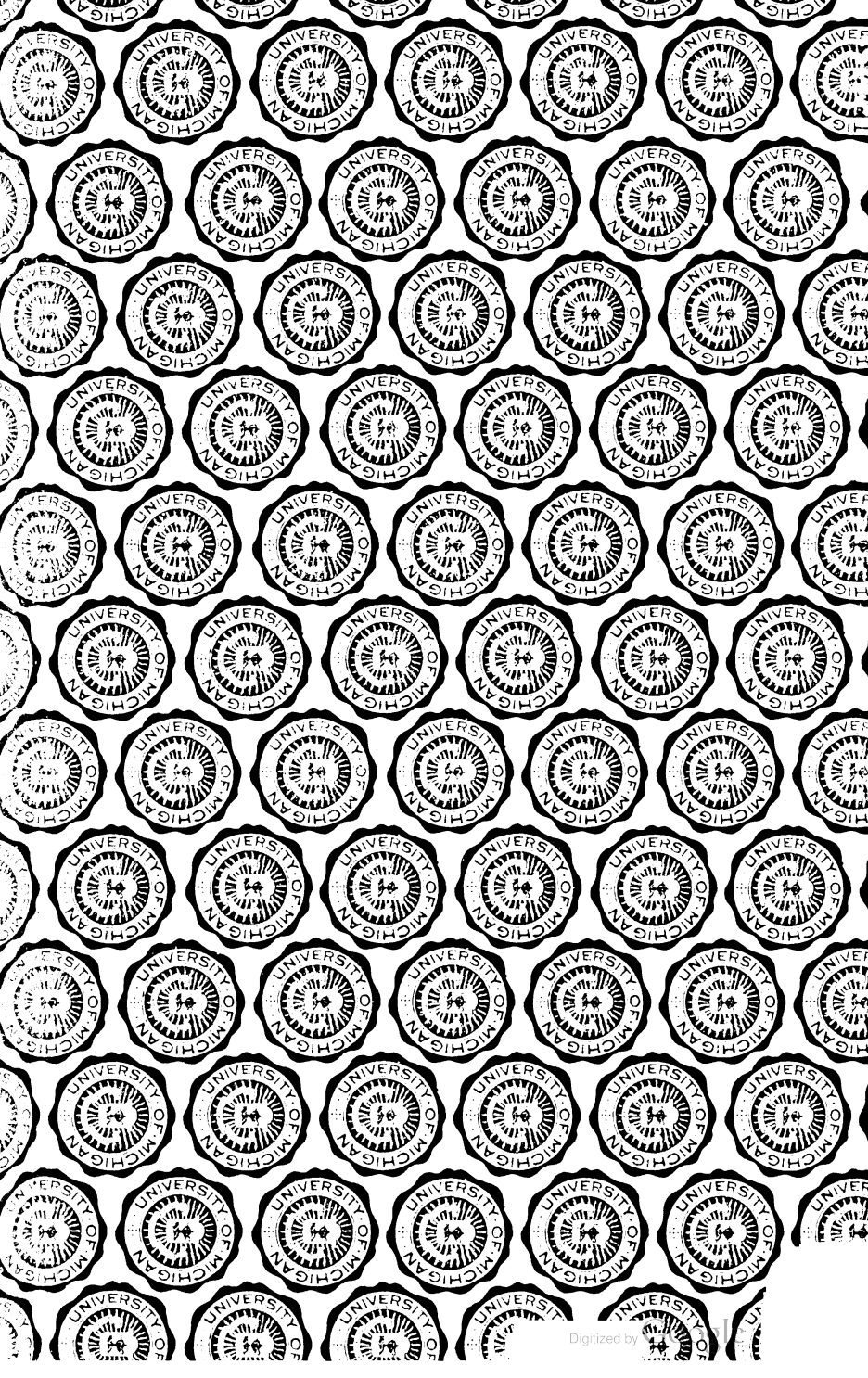
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# **SPEECH**

OF

*Edward*  
**MR. LIVINGSTON, OF LOUISIANA,**

ON

**MR. FOOT'S RESOLUTION,**

PROPOSING

**AN INQUIRY INTO THE EXPEDIENCY OF ABOLISHING THE OFFICE**

OF

**SURVEYOR GENERAL OF PUBLIC LANDS,**

AND

**FOR DISCONTINUING FURTHER SURVEYS, &c.**

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**DELIVERED IN THE SENATE OF THE UNITED STATES, FEB. 29, 1830.**

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Hist. Southern  
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## SPEECH OF MR. LIVINGSTON.

Mr. Foot's resolution proposing an inquiry into the expediency of abolishing the office of Surveyor General of the Public Lands, and for discontinuing further surveys until those already in market shall have been disposed of, being under consideration,

Mr. LIVINGSTON addressed the Senate as follows:

MR. PRESIDENT: The important topics that have been presented to our consideration, and the ability with which the questions arising out of them have been hitherto discussed, cannot but have excited a very considerable interest; which I regret exceedingly that I shall be obliged to interrupt, and greatly disappoint those who look for a continuance of "the popular harangue, the tart reply, the logic, and the wisdom, and the wit," with which we have been entertained. For, Sir, you can expect nothing from me but a very plain, and, I fear, a very dull exposition of my views on some of the subjects comprised in this excursive debate—unembellished by eloquence, unseasoned by the pungency of personal allusions. For I have no accusations to make of sectional hostility to the State I represent, and, of consequence, no recriminations to urge in its behalf; no personal animosity to indulge, and but one—yes, Sir, I have *one* personal defence to make; a necessary defence against a grave accusation; but that will be as moderate as I know it will be complete, satisfactory, and, I had almost said, triumphant.

The multiplicity and nature of the subjects that have been considered in debating a resolution with which none of them seem to have the slightest connection, and the addition of new subjects with which every speaker has thought it proper to increase the former stock, has given me, I confess, some uneasiness. I feared an irruption of the Cherokees, and was not without apprehensions that we should be called on to terminate the question of Sunday mails; or, if the Anti-Masonic Convention should take offence at the secrecy of our Executive session, or insist on the expulsion of all the initiated from our councils, that we should be obliged to contend with them for our seats. Indeed, I had myself serious thoughts of introducing the reformation of our National code, and a plan for the gradual increase of the Navy, and am not yet quite decided whether, before I sit down, I shall not urge the abolition of capital punishments. In truth, Mr. President, the whole brought forcibly to my recollection an anecdote told in one of the numerous memoirs written during the reign of Louis XIV. too trivial perhaps, to be introduced into this grave debate, but which, perhaps, may be excused. A young lady had been educated in all the learning of the times, and her progress had been so much to the satisfaction of the princess who had directed her studies, that, on her first introduction, her patroness used to ad-

her thus: "Come, miss! discourse with these ladies and gentlemen on the subject of theology; so, that will do. Now talk of geography; after that you will converse on the subjects of astronomy and metaphysics, and then give your ideas on logic and the belles lettres." And thus the poor girl, to her great annoyance, and the graver of her auditors, was put through the whole circle of the sciences in which she had been instructed. Sir, might not a hearer of our debates for some days past, have concluded that we, too, had been directed in a similar way, and that you had said to each of the speakers, "Sir, please to rise and speak on the disposition of the public lands; after that you may talk of the tariff; let us know all you think on the subject of internal improvement; and, before you sit down, discuss the powers of the Senate in relation to appointments, and the right of a State to recede from the Union; and conclude by letting us know whether you approve or oppose the measures of the present, or the six preceding administrations." The approximation, Sir, of so many heterogeneous materials for discussion, must provoke a smile; and most of those who have addressed you, while they lamented that subjects unconnected with the resolution, had been introduced into debate, rarely sat down without adding to the number. For my own part, I think the discussion may be turned to useful purposes. It may, by the interchange of opinion, increase our own information on all the important points which have been examined, while, not being called on for a vote, we may weigh them at leisure, and come to a conclusion, without being influenced by the warmth of debate.

The publication of what has been said, will spread useful information on topics highly proper to be understood by the community at large.

The recurrence which has necessarily been had to first principles is of incalculable use. The nature, form, history, and changes of our Government, imperceptible or disregarded at the time of their occurrence, are remarked; abuses are pointed out; and the people are brought to reflect on the past, and provide for the future.

[Mr. LIVINGSTON then proceeds to defend himself and General JACKSON's administration from the charges made against them by the opposition, and after minutely replying to each objection, commences his remarks upon the Constitution, and continues as follows:]

I now approach a graver subject, one, on the true understanding of which the Union, and of course the happiness of our country, depends. The question presented is that of the true sense of that Constitution which it is made our first duty to preserve in its purity. Its true construction is put in doubt—not on a question of power between its several departments, but on the very basis upon which the whole rests; and which, if erroneously decided, must topple down the fabric, raised with so much pain, framed with so much wisdom, established with so much persevering labour, and for more than forty years the shelter and protection of our liberties, the proud monument of

the patriotism and talent of those who devised it, and which, we fondly hoped, would remain to after ages as a model for the imitation of every nation that wished to be free. Is that, Sir, to be its destiny? The answer to that question may be influenced by this debate. How strong the motive, then, to conduct it calmly; when the mind is not heated by opposition, depressed by defeat, or elate with fancied victory, to discuss it with a sincere desire, not to obtain a paltry triumph in argument, to gain applause by tart reply, to carry away the victory by addressing the passions, or gain proselytes by specious fallacies, but, with a mind open to conviction, seriously to search after truth, earnestly, when found, to impress it on others. What we say on this subject will remain; it is not an every day question; it will remain for good or for evil. As our views are correct or erroneous; as they tend to promote the lasting welfare, or accelerate the dissolution of our Union; so will our opinions be cited as those which placed the Constitution on a firm basis, when it was shaken, or deprecated, if they should have formed doctrines which led to its destruction.

With this temper, and these impressions of the importance of the subject, I have given it the most profound, the most anxious and painful attention; and differing, as I have the misfortune to do, in a greater or less degree, from all the Senators who have preceded me, I feel an obligation to give my views of the subject. Could I have coincided in the opinions given by my friends, I should most certainly have been silent; from a conviction, that neither my authority nor my expositions could add any weight to the arguments they have delivered.

My honourable and learned friend, the Senator near me, from So. Carolina, (Mr. HAYNE) comes, in the eloquent arguments he has made, to the conclusion, that whenever, in the language of the Virginia resolutions, (which he adopts) there is, in the opinion of any one State, "a palpable, deliberate, and dangerous violation of the Constitution by a law of Congress," such State may, without ceasing to be a member of the Union, declare the law to be unconstitutional, and prevent its execution within the State; that this is a constitutional right, and that its exercise will produce a constitutional remedy, by obliging Congress either to repeal the law, or to obtain an explicit grant of the power which is denied by the State, by submitting an amendment to the several States; and that, by the decision of the requisite number, the State, as well as the Union, would be bound. It would be doing injustice, both to my friend and to his argument, if I did not add, that this resort to the *nullifying* power, as it has been termed, ought to be had only in the last resort, where the grievance was intolerable, and all other means of remonstrance and appeal to the other States had failed.

In this opinion I understand the honourable and learned Chairman of the Judiciary Committee (Mr. ROWAN) substantially to agree, particularly in the constitutional right of preventing the execution of the obnoxious law.

The Senator from Tennessee, (Mr. GRUNDY) in his speech, which was listened to with so much attention and pleasure, very justly de-

the right of declaring the nullity of a law, and preventing its execution, to the ordinary Legislature, but erroneously, in my opinion, gives it to a Convention.

My friend from New-Hampshire, (Mr. WOODBURY) of whose luminous argument I cannot speak too highly, and to the greatest part of which I agree, does not coincide in the assertion of a constitutional right of preventing the execution of a law believed to be unconstitutional, but refers opposition to the unalienable right of resistance to oppression.

All these Senators consider the Constitution as a compact between the States in their sovereign capacity; and one of them (Mr. ROWAN) has contended that sovereignty cannot be divided; from which it may be inferred that no part of the sovereign power has been transferred to the General Government.

The Senator from Massachusetts, in his very eloquent and justly admired address on this subject, considers the Federal Constitution as entirely popular, and not created by compact, and, from this position, very naturally shows, that there can be no constitutional right of actual *resistance* to a law of that Government, but that intolerable and illegal acts may justify it on first principles.

However these opinions may differ, there is one consolatory reflection, that none of them justify a violent opposition given to an unconstitutional law, until an extreme case of suffering has occurred. Still less do any of them suppose the actual existence of such a case.

But the danger of establishing on the one hand a constitutional veto in each of the States, upon any act of the whole, to be exercised whenever, in the opinion of the Legislature of such State, the act they complain of is contrary to the Constitution; and, on the other, the dangers which result to the State Governments by considering that of the Union as entirely popular, and denying the existence of any compact; seem both of them to be so great, as to justify, and indeed demand, an expression of my dissent from both.

The arguments on the one side, to show that the Constitution is the result of a compact between the States, cannot, I think, be controverted; and those which go to show that it is founded on the consent of the people, and in one sense of the word, a popular government, are equally incontrovertible. Both of the positions, seemingly so contradictory, are true, and both of them are false—true, as respects one feature in the Constitution; erroneous, if applied to the whole.

These States, during the short period of the contest with Great Britain, which preceded the Declaration of Independence, although colonies in name, were, in fact, independent States, and, even at that early period, their political existence partook of this mixed character.

By a popular or consolidated government, I understand one that is founded on the consent, express or implied, of the people of the whole nation; and which operates in all its departments directly upon the people.

By a federative government, as contradistinguished from the former, I mean one composed of several independent States, bound together for specific national purposes, and relying for the efficiency of

its operations on its action upon the different States in their political capacity, not individually upon their citizens.

In the incipient state of our political existence, we find traces of both of these features. When the oppressive acts of the mother country had excited the spirit of resistance, we find the colonies sending delegates to a General Congress; and, without any formal federative contract, that Congress assumed, by general consent, and exercised, powers which could strictly be classed only under the head of such as belong to a consolidated government. In order to effect a non-importation of goods from Great Britain, instead of operating through the agency of the separate Colonies, and recommending that they should use their influence or authority to effect the object, the Congress address their recommendation to the merchants of all the United Colonies *individually*. It is true this was only in the shape of a recommendation, not an imperative order; but this makes no difference in the argument: it was still an action of the Government addressed to individuals of the Colonies, not through the medium of the Colonial authority, as would have been the case under a strictly federative compact. This was on the 19th of September, 1774. On the 27th of the same month, they proceeded more directly, and *resolved* that there *should be* no goods imported after a certain day, and that those so imported *should not be used or sold*; and a few days after, a *resolution* of non-exportation was entered into; the negotiation of British bills was prohibited; and besides levying and equipping a land and naval force or the *Continental* establishment, they erected a Post-Office Department, emitted money, and declared that persons refusing to receive the bills, on conviction, be deemed, published, and treated as *enemies of the country*. All these acts were, in a greater or less degree, direct operations of the general temporary government upon the citizens, and, in that degree, were proofs of its character as a mixture of popular with a federative Government. After all these acts, and many more of the same nature, came the Declaration of Independence, in which they *jointly* declare themselves independent States, but still, it would seem, as one nation. In the preamble they assert the right, as "*one people*," to take the *station*, not the *stations*, to which they are entitled. The whole instrument complains of illegal and oppressive acts against them jointly.

After this decisive act, for more than two years the States, thus declared free, remained connected by no other bond than their common love of liberty and common danger, under the same authority of a general Congress, which continued to exercise all the powers of a mixed kind, which, if they had been formally conferred, would have constituted a Government which could not properly be called either purely a federation of States, retaining all their sovereignty, or a consolidated Government to which it had been surrendered.

The Confederation was at length entered into. This was certainly a compact between the States; but among a number of stipulations strictly federative, contained others which gave to the Congress powers which trench upon the State sovereignties; to declare war and make peace; enter into treaties binding on the whole; to establish



courts of admiralty, with power to bind the citizens of the States individually in cases coming under that jurisdiction; to raise armies, equip fleets, coin money, emit bills of credit, and other similar powers. The defects of this bond of union are well known; among these the most prominent was the want of a power, acting directly on the citizens, to raise a revenue independent of the agency of the States. And it is a most instructive fact, that the common danger, though at times extremely imminent, during the continuance of the war, could never produce any kind of attention to the requisitions of Congress; yet there was no want of patriotism or attachment to the cause. Each State then possessed, on the subject of the requisition, the practical power of giving a veto to the operations they disliked, by refusing its quota, and the power was abused, and will always be abused, whenever it is the interest of the State possessing it to exercise that right.

In the Federal Constitution this combination of the two characteristics of Government is more apparent. It was framed by delegates appointed by the States; it was ratified by conventions of the people of each State, convened according to the laws of the respective States. It guarantees the existence of the States, which are necessary to its own; the States are represented in one branch by Senators, chosen by the Legislatures; and in the other, by Representatives taken from the people, but chosen by a rule which may be made and varied by the States, not by Congress—the qualification of electors being different in different States. They may make amendments to the Constitution. In short, the Government had its inception with them; it depends on their political existence for its operation; and its duration cannot go beyond theirs. The States existed before the Constitution; they parted only with such powers as are specified in that instrument; they continue still to exist, with all the powers they have not ceded, and the present Government would never, itself, have gone into operation, had not the States, in their political capacity, have consented. That consent is a compact of each one with the whole, not (as has been argued, in order to throw a kind of ridicule on this convincing part of the argument of my friend from South-Carolina) with the Government which was made by such compact. It is difficult, therefore, it would appear, with all these characters of a federative nature, to deny to the present Government the description of one founded on compact, to which each State was a party; and a conclusive proof, if any more were wanted, would be in the fact, that the States adopted the Constitution at different times, and many of them on conditions which were afterwards complied with by amendments. If it were strictly a popular Government, in the sense that is contended for, the moment a majority of the people of the United States had consented, it would have bound the rest; and yet, after all the others, except one, had adopted the Constitution, the smallest still held out; and if Rhode-Island had not consented to enter into the confederacy, she would, perhaps, at this time, have been unconnected with us.

But with all these proofs (and I think them incontrovertible) that the Government could not have been brought into being without a compact, yet, I am far from admitting, that, because this entered so

largely into its origin, therefore there are no characteristics of another kind, which impress on it strongly the marks of a more intimate union and amalgamation of the interests of the citizens of the different States, which gives to them the general character of citizens of the United Nation. This single fact would show, that the entire sovereignty of the States, individually, has not been retained: the relation of citizen and sovereign is reciprocal. To whatever power the citizen owes allegiance, that power is his sovereign. There cannot be a double, although there may a subordinate fealty. The Government also, for the most part, (except in the election of Senators, Representatives, and President, and some others,) acts in the exercise of its legitimate powers directly upon individuals, and not through the medium of State authorities. This is an essential character of a popular Government.

I place little reliance on the argument which has been mostly depended on to show that this is a popular government—I mean the preamble; which begins with the words, “We, the people.” It proves nothing more than the fact, that the people of the several States had been consulted and had given their consent to the instrument. To give these words any other construction, would be to make them an assertion directly contrary to the fact. We know, and it never has been imagined or asserted that the people of the United States collectively, as a whole people, gave their assent or were consulted in that capacity; the people of each State *were* consulted to know whether *that State* would form a part of the United States under the articles of the Constitution, and to that they gave their assent, simply as citizens of that State.

This Government then, is neither such a federative one, founded on a compact, as leaves to all the parties their full sovereignty, nor such a consolidated popular Government, as deprives them of the whole of that sovereign power. It is a compact by which the people of each State have consented to take from their own Legislatures some of the powers they had conferred upon them, and to transfer them, with other enumerated powers, to the Government of the United States, created by that compact; these powers, so conferred, are some of those exercised by the sovereign power of the country in which they reside. I do not mean here, the ultimate sovereign power residing under all governments, democratic or despotic, in the people—a sovereignty which must always in theory exist, however its exercise may by foreign or domestic power be repressed—but I mean that power to regulate the affairs of a nation, which resides in its government, whatever the form of that government may be; this may be, and generally is, distributed into several hands. As to all these attributes of sovereignty, which, by the federal compact, were transferred to the General Government, that Government is sovereign and supreme; the States have abandoned, and can never reclaim them.

As to all other sovereign powers, the States retain them.

But the States have not only given certain powers to the General Government, but they have expressly given the right of enforcing obedience to the exercise of those powers. They have declared that



the Constitution, and the laws which shall be made in pursuance thereof, shall be the supreme law of the land, any thing in the Constitution or laws of any State to the contrary notwithstanding." And they have also expressly consented that the Judiciary of the United States shall have cognizance of all cases coming under those laws. Here the words of the compact provide for the means by which controversies coming under it are to be decided; but this must be taken with the understanding, that they are controversies arising not only under the laws of the United States, (including the Constitution and treaties,) but they must be between parties over whom the Constitution has given jurisdiction to the courts. Every case, then, of this description, must be submitted to the Judiciary of the United States; and as in all cases, the Constitution of the United States is paramount in authority to a law of the United States, and as both of them are so to a law of the State, the Supreme Court of the United States must, of necessity, when a contrariety between these authorities is alleged, in any case legally before it, determine that question, and its determination must be final; the parties must be bound; the States to which they belong, must be bound; for they in this compact have agreed that their citizens shall be so. But it is asked, suppose the law of Congress is palpably contrary to the Constitution, and endangers the liberties of the country, must the State submit? If the question be whether the State can *constitutionally* resist, there is but one answer. She has, by the Constitution, consented that the Supreme Court shall finally decide whether this be constitutional or not. If the question be, of the right which all people have to resist ruinous oppression, the answer is as clear, and I should be the last man in the world to contravene the existence of that inalienable right. But that is not the question; it is of a constitutional right, whenever, in the opinion of the Legislature, (or as some think, of a convention of the people of any one State,) a law of Congress is palpably unconstitutional, such State has a right, under the Constitution, not only to declare the act void, but to prevent its execution within the State, until Congress shall propose a declaratory amendment to the States, and their decision shall be obtained; and all this without quitting their place in the Union—without disturbing its peace it is said; but on the contrary, it is contended, for the purpose of preserving the general compact inviolate. Now, Sir, independently of the argument drawn from the express consent of the people of the several States, that in all matters where the Supreme Court have jurisdiction between individuals, they should determine, and must determine, whether a law be unconstitutional—independently of this, and supposing no such powers given to the Court, can it be supposed that so essential a feature in the Government, as a positive *veto* given to, or reserved by each State, upon the operations of the whole, would have been left not only unprovided for by express words, but without even an ambiguous phrase—a single doubtful word to hang the argument upon? It is derived solely from the rights attached to the sovereignty of the States, unimpaired by its accession to the Union, *indivisible*, according to the argument of my learned friend from Kentucky,

and always alive and active, (not one of those which he expressively says will *keep cold*) and ready to go into operation whenever it is attacked.

I have called it a positive *veto* on the operations of the whole Government. Is it not so in effect? That the right, when exercised by a single State, can only prevent the execution of the obnoxious law in the State alone, which objects to it, does not take from the power the character I have given it, is apparent. For, if the General Government were under an obligation to desist from executing the law in the opposing State, they must, of necessity, refrain from putting it in force in the others; if it were a tax, because they must be equal; if any other subject of legislation, imposing a burthen or restriction, they could not, in justice, force the others to bear what one was relieved from, nor would the other States submit to so unequal an imposition. The argument, then, supposes a feature in the Constitution, which certainly is not expressed in it; which most assuredly would have been expressed, if it had been intended: for it totally alters its character; puts the power of the Union at the will of any one of its members; and allows it, without risk, to throw off all the burthens of Government at its pleasure. Remember, Sir, that I am speaking of a *constitutional right*, (for that is the one claimed) —a right under the Constitution, not over it—a power that may be exercised without incurring any risk or committing any offence—without forfeiting a place in the Union, or any right or privilege under it. The State has only to resolve, by its ordinary Legislature, or, according to others, in a convention of its citizens, that a law enacted by the General Government is palpably unconstitutional and dangerous, and that it shall cease to operate; and it must cease to operate; and as an inevitable consequence, it may be resisted by force; as another consequence, if death ensues, it is murder in those who act under the General Government—justifiable homicide in those who resist. Now, Sir, would not these serious consequences have presented themselves to the enlightened men who framed this Constitution? and, if they did, would not some provision have been made to prevent any illegal exertion of power by the Executive, fraught with such danger? If they had supposed that this was a right reserved, would they not have declared the correlative obligation in the General Government to respect it: for, Sir, it is superfluous to say that every right carries with it its correspondent obligation, and that there cannot be two conflicting rights. If, then, the States have a right to prevent the execution of a law, the General Government is under an obligation to refrain from enforcing it; yet instead of declaring this obligation to respect this reserved right, not the slightest allusion is made to it. On the contrary, when a law is once passed, it is made the duty of the President to execute it. But by the argument, the law has been passed as constitutional by both Houses of Congress; it has been approved as such by the President; and a judgment has been given by the Supreme Court, declaring it to be constitutional, and directing that, in the particular case before them, it shall be executed. The State against whose citizen the judgment is given, declares it to be palpably and

dangerously contrary to the Constitution, and that it is null and void, and shall not be executed. What is to be done? The right of the State, says the gentleman, must be respected; but, unfortunately for the argument, the Constitution does not say so; unfortunately it says directly the contrary. The President is bound by his oath to cause every constitutional law to be executed. But he has approved this law, therefore he believes it to be constitutional: but both Houses have passed it, therefore they believed it so; but the judges have decreed that it shall be executed, therefore they too have believed it to be constitutional. Must the President yield his own conviction, fortified as it is by these authorities, to the opinion of a majority—perhaps a small majority—in the Legislature of a single State? If he must, again I ask, show me the written authority? I cannot find it. I cannot conceive it. I am not asking for the expression of the reserved right; I know that they are not enumerated. But I ask for the obligation to obey that right; I ask for the written instruction to the Executive to respect it; I ask for a provision, that nothing but the grossest inattention, or the most consummate folly, could have omitted, if the doctrine contended for be true.

This might have been done by an article in these words: "Whenever, in the opinion of any one State, a law passed by the Congress shall be deemed unconstitutional and dangerous, such State may prevent its execution, and the President and the courts shall forbear to enforce the same; but Congress shall, in that case, if they persevere in thinking the law expedient, submit the question as an amendment to Conventions of the States, in the manner prescribed by the Constitution." Now, Sir, the inquiry cannot be too often repeated, if such had been the intention of those who framed our form of Government, or of those who adopted it, and considered and amended it, would not some expression of this kind have been inserted? and, if inserted, would it have been recommended or adopted? and, if adopted, how long would it have continued in operation? how many vetos would have been interposed? how many Conventions would have been assembled? Not an embargo—not a restriction—not a declaration of war—not a measure for defence—not a tax or an impost, but would produce a stoppage in the wheels of the political machine; the most pressing operations of Government must be suspended until the amendments are proposed by Congress; until Conventions are called in all the States, and they have made their decisions. It is unfortunately no answer to say that this power would not be abused; that the argument supposes it to accrue only in palpable cases. Let the constitutional right be acknowledged, let it be known that it may be exercised without risk, and local interest will always be strong enough to suggest constitutional scruples; nor will common interest, the incalculable interest of our Union, be a sufficient argument. When was the interest of union more apparent than during the latter years of the Revolutionary war, and those which immediately succeeded the peace? Yet, when was the apathy of the States more apparent to the considerations of common good? When were local interests more consulted? When was it more difficult to procure the slender contributions which each,

State was bound to furnish to the common fund? It is a most important truth, that the existence of the General Government must depend on that feature which permits the exercise of all its legitimate powers directly upon the people, without the intervention of the States. Make that intervention necessary for the execution of those legitimate powers, or permit it to arrest them in cases which the States may deem illegal, and your Government is gone; it changes its character; it becomes, whatever other features you give to it, essentially an inefficient confederation, without union at home, without consideration abroad, and must soon fall a prey to domestic wars, in which foreign alliances will necessarily intervene to complete its ruin. No, Sir; adopt this as part of our Constitution, and we need no prophet to predict its fall. The oldest of us may live long enough to weep over its ruins; to deplore the failure of the fairest experiment that was ever made, of securing public prosperity and private happiness, based on equal rights and fair representation; to die with the expiring liberties of our country, and transmit to our children, instead of the fair inheritance of freedom, received from our fathers, a legacy of war, slavery and contention.

But it is asked, Will you deny to the States every portion of their former sovereignty? Will you call this, with the Senator from Massachusetts, a strictly popular Government? Will you deny them all right of intervention, and reduce them to the condition of mere corporations? Do you renounce the doctrines for which you contended in 1798, and consider the Supreme Court as the umpire provided in all cases to determine on the extent of State rights? God forbid that I should hold such doctrines. If my friends had stopped at the declaration that they adopted the resolutions of the Virginia Legislature, I should not perhaps have thought the difference between us of sufficient consequence to have troubled the Senate with my opinions. For the most part, I coincide in the sentiments of those resolutions; but my friends carried them out in their practical consequences further than, I think, they warrant; further, certainly, than I am willing to follow them.

As I understand them, they assert the right of a State, in the case of a law palpably unconstitutional and dangerous, to remonstrate against it, to call on the other States to co-operate in procuring its repeal, and, in doing this, they must, of necessity, call it unconstitutional, and, if so, in their opinion null and void. Thus far I agree entirely with the language and substance of the resolutions. This, I suppose, is meant by the expression *interpose for arresting the progress of the evil*. I see in these resolutions no assertion of the right contended for, as a constitutional and peaceable exercise, of a veto, followed out by the doctrine that it is to continue until, on the application of Congress for an amendment, the States are to decide. If these are the true deductions from the Virginia resolutions, I cannot agree to them, much as I revere the authority of the great statesman whose production they are. I cannot assent to them; and it is because I revere him, and admire his talents, that I cannot believe he intended to go this length. I cannot believe it, also, for another reason. He thought,

and he conclusively proved, the alien and sedition laws to be deliberate, unconstitutional, and dangerous acts; he declared them so in his resolutions. Yet, Sir, he never proposed that their execution should be resisted; he never uttered or wrote a word that looked like this doctrine, now contended for, of a constitutional right to arrest the execution of the law until amendments could be proposed. The right he asserted, when he alludes to resistance, was one that all acknowledge—that of opposition to intolerable and unconstitutional oppression. Mr. Jefferson, in the Kentucky resolutions, has used a word of equivocal authority, as well as signification; he asserts the right of a State to “nullify” an unconstitutional act. If he means by this any thing more than is contained in the Virginia resolutions, he must apply it to the extreme case of resistance, on the right of which there can be no contrariety of opinion: for Mr. Jefferson does not, if I read him aright, avow, any more than Mr. Madison does, the right now contended for, of a State veto with its consequences. This, it appears to me, is a more modern invention, and, as I think I have proved, utterly incompatible with the nature of our Government. Was it ever conceived, before the present day, to form a part of it? If it was, why is it not alluded to in any of the debates of the Federal Convention which framed, or the State Conventions which adopted it? Surely it is of sufficient importance to have attracted attention, either as an advantage or an objection; yet not a word is said about it. Nay, more, if we refer to that luminous exposition of the whole character of the General Government, and of its expected operation, “The Federalist,” not a word can be found that favours this idea of a *veto*, now, for the first time, set up as a part of our Constitution. The Constitution, its advocates, its opposers, the great cotemporary exposition of its character, the practice under it for forty years, all silent on so important, so fundamental a doctrine. Is not this a fair, I might say a conclusive argument that it does not exist—that it is what I have indicated it to be—a modern invention. But this is not all; the case of a conflict of authority between the General and State authorities, under the new Government, was one that could not escape the foresight of the authors of “The Federalist.” A series of chapters on this, and subjects connected with it, are found in that collection, written by Mr. Madison. Here would have been the place, certainly, to have developed the character and operation of this legal *veto*, if in his opinion, it had existed. He could not have been silent on the subject. It is impossible that he could then have held the doctrines which are erroneously, in my opinion, said to be those of his Virginia resolutions. In the 44th number, in arguing the necessity of the article which makes the laws of the United States, made in pursuance to the Constitution, paramount to the State Constitutions, he says, if the State sovereignties had been left complete in this particular, among other absurd and dangerous consequences, “The world would have seen, for the first time, a system of government founded on an inversion of the fundamental principles of all governments; it would have seen the authority of the whole society every where subordinate to the authority of the parts; it

would have seen a monster, in which the head was under the direction of the members." And, as more immediately applicable to the present subject, in the 46th number, he gives expressly what he supposes the only remedy for an "*unwarrantable*," by which he means unconstitutional, measure. "On the other hand, (he says,) should an unwarrantable measure of the Federal Government be unpopular in particular States, which would seldom fail to be the case, or even a warrantable measure be so, which may sometimes be the case, the means of opposition to it are powerful and at hand." Now, Sir, if the new doctrine were the true one, if the veto were a constitutional measure, now we should hear of it! What more *powerful*! What more *at hand*! What more effectual! Why look for any other? Yet this constitutional right, so clearly deducible from the very terms of our national compact, never occurred to the very man whose doctrines, in 1798, are said, erroneously, I again repeat, to embrace it. What are the remedies which he there points out? "The disquietude of the people, their repugnance, and, perhaps, refusal to co-operate with the officers of the Union, the frowns of the executive magistracy of the State, the embarrassments created by legislative devices, which would often be added on such occasions, would oppose, in any State, difficulties not to be despised; would form in a large State very serious impediments; and where the sentiments of several adjoining States happened to be in unison, would present obstructions which the Federal Government would be hardly willing to encounter." These were the sentiments of Mr. Madison in 1787. And such, I think, is the true construction of his language in 1798. For he goes on in the same paper to follow up the consequences of a perseverance of the Federal Government in unconstitutional measures, into the only result that all agree must, in *extreme cases*, happen—a resistance by force; and that he may not be misunderstood, makes it analagous to the case of the Colonial resistance to Great Britain.

Although, in my opinion, in every case which can lawfully be brought within the jurisdiction of the Supreme Court, that tribunal must judge of the constitutionality of laws on which the question before them depends, and its decrees must be final, whether they affect State rights or not; and, as a necessary consequence, that no State has any right to impede or prevent the execution of such sentence; yet, I am far from thinking that this Court is created an umpire to judge between the General and State Governments. I do not see it recorded in the instrument, but I see it recorded that every right not given is retained. In an extreme case that has been put, of the United States declaring that a particular State should have but one Senator, or should be deprived of its representation, I see nothing to oblige the State to submit this case to the Supreme Court; on the contrary, I see, by the enumeration of the cases and persons which may be brought within their jurisdiction, that this is not included; in this the injured State would have a right at once to declare that it would no longer be bound by a compact which had been thus grossly violated.

I consider the existence of the States, with that portion of their

sovereignty which they have reserved, to be a most invaluable part of our Government; their rights should be most zealously watched over and preserved—preserved, but not enlarged. An organized body, ready to resist either Legislative or Executive encroachment, round which the people, whenever oppressed, may rally, will always keep oppression in awe; they are an intermediate corps between the people and the Federal Government; and, being a permanent one, they answer the same end in our Government that a hereditarily aristocracy does in some others. They check the power of the federative head, while they themselves are kept within constitutional bounds by the direct operation of the general laws on their citizens through the Judiciary. Their agency and its effective utility were shown in 1796, in the stand which Virginia and some other States took against the obnoxious alien and sedition laws. They reasoned, they remonstrated, they appealed to the high feelings of patriotism and freedom, as well as to the understanding of the people; they demonstrated the usurpation of the power which had enacted these laws; they proved to conviction that they were void; and this had the desired effect. But they did not declare that the laws should not be executed; they did not array the force of the State against the decrees of the Judiciary; they did not interpose, or threaten to interpose their constitutional *veto*.

But if the power contended for on the one side be dangerous, the doctrine by which it is opposed on the other seems no less so. If this be strictly a popular Government, as contended for by the Senator from Massachusetts, that is to say, a Government formed by the people of the United States, considered in one mass, without any consideration of the relation in which they stand to each other as citizens of different States, then the following important consequences follow. Not a denial of State rights, as has, I think, been incorrectly and unjustly, in and out of the House, charged to the Senator's argument; he expressly, as I understand him, acknowledges that they retain all that are not given to the General Government. But, Sir, although his argument acknowledged the existence of the reserved rights, yet it took away the means of preserving them. If it be a popular Government in the sense I have described, then what a majority of the whole people will, must be executed, and rightfully executed. If this be the true construction of our fundamental compact, then, in any future changes that our situation may call for, the people of a few large States, making a majority of the whole number of voters, must give the law to the greater number of States, and may materially and injuriously alter, or totally destroy, the Union, which the argument supposes not to be a compact between the States, but the work of the people, that is to say, the whole people of the nation. It will be no answer to this to say, that alterations cannot be made in the Constitution but by the assent of the States; because, if there is no compact, there is no injury to the States, any more than there would be by altering the boundaries, or the representation of a county; or giving to or taking from it advantages which were enjoyed under a State Constitution. The majority of the people in a State may do

this at their pleasure, with regard to a county; so might a majority of the people of the United States do, with regard to a State, if the Government has the same popular character in the one instance that it has in the other. As to the impediments imposed by the Constitution to the power of making alterations, by the clause which designates the mode in which they are to be made, by the assent of a requisite number of States, it affords no insurmountable difficulty. If the Government was made by the people, the same people have the right to alter it, and a majority may alter that clause with the same ease and the same right that they change any other in the Constitution. It is plain, therefore, that this argument places three-fourths of the States at the mercy of one-fourth of their number. Six States having on an average a million of inhabitants each, form a majority of the population. In a popular Government the will of the majority must be obeyed in making or altering Constitutions as well as laws; therefore, if this be a popular Government, without any feature of compact in it, there is plainly no security for even the existence of the State Governments under it. It is true, that the argument allows to them certain rights; but if those rights were the result of the will of the people, expressed by their adoption of a popular Government, is it not clear, that, whenever that will changes, and another kind of Government is preferred by a majority, the rights are gone, and rightfully gone? In short, the doctrine puts the States precisely in the situation of counties, or any other political division of a consolidated Government.

It is true, that, while the present form of Government exists, States are necessary for its organization; but if it be simply popular—if no compact enters into its compositions—the State agency may be easily dispensed with in the new changes which a majority may deem expedient.

Observe, Sir, that by popular Government, the Senator does not mean one adopted or made by the people of each State, acting separately in their State capacity; if he did, there would be no dispute: for it cannot be denied, that the Constitution was adopted by the people of each State in its separate Convention. This would not contravene the idea of a compact, which his argument totally denies. He means, and so I understand him clearly to express, a Government framed by the people of all the States, acting in their aggregate capacity; and this doctrine, for the reasons I have stated, I think dangerous in the highest degree. Even if no attempt be made under it, it will, if acknowledged, lessen the dignity and utility of the State Governments; they will be considered as mere tenants of their power at the will of the Federal head; which will be looked to as the source of all honour and all profit. State rights will be disregarded, when held by so precarious a tenure; encroachments will be submitted to that would not be otherwise hazarded, until, gradually, we are prepared for a consolidated Government, which, on experiment, will be found to require more energy for its support over the extensive country which it must embrace; and then the dormant resolution on your Journals will be called up, and His Highness the President of the United States will be invested with dictatorial or protectorate powers,



an enlarged term, for life—and at last with reversion to his children. Sir, this is the natural consequence of the doctrine, should it be acquiesced in as correct, but not carried into effect in an immediate attempt against the State sovereignties. Suppose, however, the reverse should take place, and the citizens of a number of States, sufficient to constitute a large majority of the inhabitants of the Union, should become converts to the Senator's doctrine, and determine to exercise the lawful right which a majority of every consolidated Government has, to change the Constitution. The minority of numbers constituting, perhaps, two-thirds of the number of States, are incredulous, and entertain the heretical opinion that there were certain portions of their State sovereignty never surrendered, and which they deem it a duty to defend. Can no case be imagined that may, by a diversity of local interests, produce such a state of things? and can the consequences be calmly considered by any lover of his country?

The most dangerous of all errors are those which give false impressions of fundamental political rights. When firmly convinced that they are true, it is thought a duty to defend them at the risk of life—at the expense of fortune. The tranquility of the country is sacrificed, its institutions destroyed; and its dearest interests disregarded, by men, who, with the purest intentions, have adopted on trust the opinions of others, in whom they have confidence; and who are taught to believe, that disobedience to legitimate authority is resistance to oppression, or the exercise of an unauthorized power is the assertion of a constitutional right. This consideration alone, it appears to me, should make us most tremblingly apprehensive of inculcating any new doctrine of this character; and it has made me scan with greater attention those which have been offered in this important branch of the debate. But with a becoming distrust of my own judgment, and a proper respect for that of the Senators who have preceded me, I cannot but see, in the doctrines of all excepting only those of my friend from New Hampshire, (Mr. WOODBURY) dangers of the gravest cast. Those I have endeavoured respectfully but decidedly to point out, and to state what are my own views on the subject, that they may be weighed and compared. I resume them.

I think that the Constitution is the result of a compact entered into by the several States, by which they surrendered a part of their sovereignty to the Union, and vested the part so surrendered in a General Government.

That this Government is partly popular, acting directly on the citizens of the several States; partly federative, depending for its existence and action on the existence and action of the several States.

That, by the institution of this Government, the States have unequivocally surrendered every constitutional right of impeding or resisting the execution of any decree or judgment of the Supreme Court, in any case of law or equity between persons or on matters of whom or on which, that court has jurisdiction, even if such decree or judgment should, in the opinion of the States, be unconstitutional.

That, in cases in which a law of the United States may infringe the constitutional right of a State, but which, in its operation, cannot be

brought before the Supreme Court, under the terms of the jurisdiction expressly given to it over particular persons or matters, that court is not created the umpire between a State that may deem itself aggrieved and the General Government.

That, among the attributes of sovereignty retained by the State, is that of watching over the operations of the General Government, and protecting its citizens against their unconstitutional abuse; and that this can be legally done—

First, in the case of an act in the opinion of the State palpably unconstitutional, but affirmed in the Supreme Court in the legal exercise of its functions;

By remonstrating against it to Congress;

By an address to the People in their elective functions to change or instruct their Representatives;

By a similar address to the other States, in which they will have a right to declare that they consider the act as unconstitutional and therefore void;

By proposing amendments to the Constitution in the manner pointed out by that instrument;

And, finally, if the act be intolerably oppressive, and they find the General Government persevere in enforcing it, by a resort to the natural right which every people have to resist extreme oppression.

Secondly, if the act be one of those few which, in its operation, cannot be submitted to the Supreme Court, and be one that will, in the opinion of the State, justify the risk of a withdrawal from the Union, that this last extreme remedy may at once be resorted to.

That the right of resistance to the operation of an act of Congress, in the extreme cases above alluded to, is not a right derived from the Constitution, but can be justified only on the supposition that the Constitution has been broken, and the State absolved from its obligation; and that, whenever resorted to, it must be at the risk of all the penalties attached to an unsuccessful resistance to established authority.

That the alledged right of a State to put a *veto* on the execution of a law of the United States, which such State may declare to be unconstitutional, attended (as, if it exists, it must be) with a correlative obligation on the part of the General Government, to refrain from executing it; and the further alledged obligation on the part of that Government, to submit the questions to the States, by proposing amendments, are not given by the Constitution, nor do they grow out of any of the reserved powers.

That the exercise of the powers last mentioned, would introduce a feature in our Government, not expressed in the Constitution, not implied from any right of sovereignty reserved to the States, not suspected to exist by the friends or enemies of the Constitution when it was framed or adopted, not warranted by practice or cotemporaneous exposition, nor implied by the true construction of the Virginia resolutions in '98.

That the introduction of this feature in our Government would totally change its nature, make it inefficient, invite to dissension, and end, at no distant period, in separation; and that, if it had been pro-

posed in the form of an explicit provision in the Constitution, it would have been unanimously rejected, both in the Convention which framed that instrument, and in those which adopted it.

That the theory of the Federal Government, being the result of the general will of the People of the United States in their aggregate capacity, and founded, in no degree, on compact between the States, would tend to the most disastrous practical results; that it would place three-fourths of the States at the mercy of one-fourth, and lead inevitably to a consolidated Government, and finally to monarchy, if the doctrine were generally admitted; and if partially so, and opposed, to civil dissension.

These being my deliberate opinions on the nature and consequences of the constructions hitherto given to the Federal compact, and the obligations and rights of the States under it; deeming those constructions erroneous, and in the highest degree dangerous to the Union, I felt it a duty to my place and to my country to say so. Having done this, I ought perhaps to stop. But, Sir, I dare not! I dare not stifle the expression of apprehensions which have fastened upon my mind.

It would be useless affectation to pretend ignorance of the discontent that prevails in an important section of the Union: its language is too loud, too decisive, too menacing, not to have been heard, and heard with the deepest concern. It has already been more than once alluded to in this debate, in terms of severest censure. I shall not assume that tone, although I cannot but deprecate the light manner in which the greatest evil that can befall us is spoken of, as if it were an every day occurrence. Arguments for and against the dissolution of the Union are canvassed in the public papers; form the topic of dinner speeches; are condensed into toasts; and treated in every respect as if it were "a knot of policy that might be unloosed familiar as a garter." Sir, it is a Gordian knot that can be severed only by the sword. The band cannot be unloosed until it is wet with the blood of brothers. I cannot, therefore, conscientiously, be silent; and humbly as I think of my influence or powers of persuasion, I should feel myself guilty if they were not exerted in admonition to both parties in this eventful controversy. The tariff is the prominent grievance that excites the discontents in some of the Southern States, and particularly in South-Carolina. It is denounced as unconstitutional, injurious to the whole country, ruinous to the South, and beneficial only to a particular interest in the North and East. My sentiments on this subject may be expressed in very few words. A decided convert to the free trade system, I think it may be departed from in the few cases in which restriction may be used, with the hope of producing a relaxation of similar restrictions by a foreign Power. I therefore believe the present tariff unwise, unequal, and oppressive in its operations, but I cannot think it unconstitutional. And I consider one of its worst consequences to be, that when it has been long persisted in, and considered as the settled policy of the nation, so much of the capital and population of the country may be employed, in the manufactures protected by it, as to make it a matter of serious calculation whether a sudden and total abandonment of the policy,

may not produce greater evil to the whole nation than the benefit to be expected from throwing open the trade. With these opinions on the subject of the Southern discontents, I enter largely into their feelings, and join them in lamenting a policy which operates so distressingly on their prosperity.

There is no doubt, that, for some years past, the pecuniary difficulties in that part of the country have increased; that the value of property has diminished; and that, from a state of affluence, many of the citizens are, without extravagance or individual misfortune, greatly reduced in circumstances. But, would it not be prudent, calmly to consider whether all this distress is to be attributed to this one cause—whether the low price of the staples of that district (the immediate cause) has been produced by that measure; whether the actual price of imported goods paying the duty, or the same kind of goods protected by it, have not, from other causes, been kept down nearly to their former value? And that, therefore, although they may lose the advantage which the fall of prices would have given, independent of the tariff, whether the actual expenditure is increased beyond that of former years; and, if this should be the result, whether the evil is not of such a nature as may be borne without recurring to extremities—in the hope, in the certain hope, that it will not be of long continuance?

For, Sir, let them also consider the powerful agents that are at work for their relief. First, in point of efficiency, is the press. It may spread errors, but it also diffuses truths; and, with an intelligent, an educated people, such as ours, these last will ultimately prevail. Political economy was but lately with us considered as a science; a false, but specious, and now exploded policy, usurped its place, under the imposing title of the American system. The true science was the subject of idle sneers and jests by those who found it easier to adopt an old error than to study a new science; and to found political combinations upon sectional interest, than to acquire popularity on the broad basis of the general good. These doctrines are in a course of examination; they cannot stand the test of theory, still less of practice. Sir, the professor is in his chair! the press is at work! and a powerful but demoralizing agent is demonstrating the truth of their science. The smuggler is abroad—his boats and cutters are in all your bays, and inlets, and rivers, on the Atlantic; his canoes are on your lakes; he is lurking in the woods of your frontier; and presently, Sir, when your oppressive laws have become unpopular, he will come in at noon day, in defiance of them. You may seize, and sue, and prosecute; but when the feelings of the people, in such a Government as ours, are enlisted against the laws, you cannot execute them; and this is one of the worst consequences of the restrictive system—an unavoidable consequence. Oaths are disregarded, evasions of the law considered as proofs of genius, and the agent or captain who has most address in defeating the officers of the customs, is sure to be the most employed. Let any one who doubts this, look back to the times of the non-intercourse and embargo. How many vessels, bound from Charleston or New-Orleans to New-York, blown by

irresistible gales from Sandy Hook to Liverpool; how many false log books, how many perjured protests, how many acquittals against evidence; presenting a mass of perjury, fraud and combination to defeat the laws, perpetrated by men in every other view respectable, but who have become contaminated by the corrupt influence of these demoralizing laws. In every country in the world, high duties have been defeated by illicit trade; it is inevitable; no cause is more certain of producing its effect; it will be so for ever. If the morals of the country are correct, it will corrupt them. If the frontier is small and guarded, the officers will be bribed; if it is extensive their vigilance will be avoided. If France with 13,000 men, and England with a fleet of revenue cutters, cannot prevent it, what can be expected from our insignificant revenue force, on a coast of more than 2000 miles, and an inland frontier of the same extent? These causes will disgust those for whose exclusive use the system was intended with its operation, and at the same time convince the people of its injustice. It is possible, also, that the improvements in machinery, and the competition fostered by the protection, may reduce the price of some of the domestic articles, so as materially to lessen the evil.

But, if these should fail, I cannot but place great reliance on an address to the justice of the nation, and do not believe, when, in the confidence of private correspondence, the venerable Jefferson, in a moment of warmth and irritation, said of the Representatives of the nation, that "you might as well reason with the marble columns which surround them," that he uttered the cool dictates of his judgment. No, Sir! he had a higher idea of the value of representation in Government. In a debate like this, on the importance of the Union, his genius would have drawn a different illustration from those objects which surround us and sustain the dome under which we deliberate. What were they originally?\* Worthless heaps of unconnected sand and pebbles; washed apart by every wave; blown asunder by every wind. What are they now? Bound together by an indissoluble cement of nature; fashioned by the hand of skill, they are changed into lofty columns, the component parts and the support of a noble edifice—symbols of the union and strength on which alone our Government can rest—solid within, polished without; standing firm only by the rectitude of their position, they are emblems of what Senators of the United States should be, and teach us, that the slightest obliquity of position, would prostrate the structure, and draw with their own fall, that of all they support and protect, in one mighty ruin.

A distrust of the justice and good feeling of one part of the Union by another, is a most dangerous symptom; it ought not to be indulged even when occasional circumstances justify it. A distrust of the justice of the whole is still more fatal. How can we hope for ready obedience to our laws, if the people are taught to believe in a permanent hostility of one part of the Union towards another; and that every appeal made by reason and argument to their common

\* The interior columns of the Capitol are of a beautiful marble, composed of variegated pebbles, united by a natural calcareous cement.

head, is vain? Perseverance will do much; for even if the illustration which has been made, of party obduracy, were just, we should remember that the hardest marble is worn by a succession of drops; much more may we hope that prejudice, however strong, will yield to the claims of justice, frequently enforced by a repetition of sound argument.

Menace is unwise, because it is generally ineffectual; and of all menaces, that which strikes at the existence of the Union is the most irritating. Have those who thus rashly use it, who endeavour to familiarize the people to the idea, have they, themselves, ever done what they recommend? Have they calculated, have they considered, what one, two or three States would be disjointed from the rest? Are they sure they would not be disjointed themselves? That parts of any State, which might try the hazardous experiment, might not prefer their allegiance to the whole? Even if civil war should not be the consequence of such disunion—an exemption of which I cannot conceive the possibility, what must be the state of such detached parts of the mighty whole? Dependence on foreign alliances for protection against brothers and friends; degradation in the scale of nations; disposed of by the protocols of allied monarchs to one of their dependents, like the defenceless Greeks. But I will not enlarge on this topic, so fruitful of the most appalling apprehensions—Disunion! the thought itself—the means by which it may be effected—its frightful and degrading consequences—the idea, the very mention of it ought to be banished from our debates—from our minds. God deliver us from this worst, this greatest evil! All others we can resist and overcome; encroachments on individual or State rights cannot, under our Representative Government, be long or oppressively persevered in. There are legitimate and effectual means to correct any palpable infraction of our Constitution. Try them all before recourse is had to the menace of this worst of evils. But when an honest difference of construction exists, surely such extreme means or arguments ought not to be resorted to. Let the cry of unconstitutional oppression be justly raised within these walls, and it will be heard abroad—it will be examined; the people are intelligent, the people are just, and in time these characteristics must have an effect on their Representatives. But let the cry of danger to the Union be heard, and it will be echoed from the White to the Rocky Mountains; every patriotic heart will beat high with indignation; every hand will draw a sword in its defence. Let the partizans on either side of this argument be assured, that the people will not submit to consolidation, nor suffer disunion, and that their good sense will detect the fallacy of arguments which lead to either.

Sir, I have done. I have uttered the sincere dictates of my best judgment, on topics closely connected with our dearest interest. I have, because it was my duty, uttered them freely—without reserve, but I hope without offence; with the respect that was due to the opinion of others, and with a becoming diffidence of my own. It would be a cause of great regret if I should have misapprehended the tendency of any of the doctrines of which I have spoken. It would

have been a greater, if, thinking of them as I do, I had omitted the animadversions which I thought their consequences required.

Gentlemen have spoken, with patriotic enthusiasm, of the consolation they would receive, at their last moments, in seeing the flag of their country display to their dying eyes its emblems of union and glory. The period when mine must be closed in night, is too near to refer to it the duration of my country's happiness.\* But I can anticipate for that beloved country a continuance of freedom and prosperity long after the distant, I hope, the far distant day, when the last of those honourable men shall have finished his useful career. I can apprehend for it the worst of evils before any of them shall quit the stage.

These hopes are founded on the exertions of active and enlightened patriotism to preserve the Union;

These fears, on the madness of party that may destroy it.

† Mr. LIVINGSTON was in Congress during General WASHINGTON's administration, and is now near 70 years of age.









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